

**REMARKS**

Claims 1-20 are pending in this application. Claims 1, 6, 11, 16, 18, and 20 are independent claims, and claims 21-26 have been added. In light of the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

**Information Disclosure Statement**

Applicants appreciate the Examiner's indication of receipt of the Information Disclosure Statements of February 13, 2004 and October 4, 2004 and also the Examiner's initialing of all references cited therein.

**Priority Document**

Applicants appreciate the Examiner's acknowledgement of a claim to foreign priority under 35 U.S.C. §119 and that certified copies of all priority documents have been received.

**Formal Drawings**

Applicants appreciate the Examiner's indication that the formal drawings filed on February 13, 2007 have been accepted.

**Rejections under 35 U.S.C. §102 - Kluttz**

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,410,275 ("Kluttz"). This rejection is respectfully traversed.

*Kluttz* allegedly teaches a disposable test device in the form of a test strip 10 with a dual chamber reaction vessel 12, a plurality of wells 13, and associated cover member 14. The test strip 10 is allegedly used to perform a nucleic acid amplification reaction. The wells and vessel 12 are said to be pre-loaded with the appropriate enzyme, reagents, wash or buffer solution or decontamination solution. A sealing membrane is said to be applied to the

upper surface 15 of the test strip to cover the wells and dual chamber reaction vessel 12. (*Kluttz* col. 6 line 61 – col. 7, line 5).

The Examiner alleges that the wells are “also used to optically detect reaction products and to classify the contents of the reaction solution” and cites *Kluttz* column 4, lines 5-8 (*Office Action* page 2). *Kluttz* allegedly teaches that the wells will be used for “hybridization, washing, or other detection and decontamination steps after the nucleic reaction is completed.” (*Kluttz* col. 4, lines 5-8). Applicants submit that the “detection” allegedly taught by *Kluttz* does not teach or suggest carrying out “a waste classification of the analysis chip” as recited by claim 1 because *Kluttz* provides no indication that a waste classification is to be done and no description of how a hypothetical waste classification is to be conducted. Additionally, *Kluttz* teaches that the wells should be pre-loaded with a decontamination solution (*Kluttz*, col. 7 lines 1-5), which does not teach or suggest the need for a waste classification.

Therefore, Applicants respectfully request that the rejection of independent claim 1 be withdrawn, along with the rejections of dependent claims 2-10. Additionally, since independent claims 6, 11, 16, 18, and 20 recite language similar to claim 1, Applicants request the rejections be withdrawn from these independent claims and their dependent claims for reasons similar to those presented above with respect to claim 1.

#### **Rejections under 35 U.S.C. §102 - Dounq**

Claims 6, 7, 16 and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0177135 (“*Dounq*”). This rejection is respectfully traversed.

*Dounq* allegedly teaches a device and method for biochip multiplexing comprising a number of cartridge stations that are configured to receive a plurality of biochips, and stations can include thermocontrollers, signaling systems, sensors for leak detection, alphanumeric displays, and detectors. The biochip cartridges are said to include substrates comprising arrays of

biomolecules, and allegedly further include reaction chambers with reagent inlet and outlet ports, and caps or lids with microfluidic components. Additionally, *Doung* allegedly teaches the use of biochips comprising electrodes that rely on electrochemical detection and are said to comprise device boards and processors. (*Doung* paragraphs [0030] – [0031]).

The Examiner alleges that *Doung* teaches that “reaction products are optically detected in order to classify the contents of the reaction solution.” (*Office Action*, page 3). Applicants respectfully disagree that this anticipates “a waste classification of the analysis chip” as recited in claim 6. *Doung* allegedly teaches using a thermocontroller to “heat the spent sample at extreme temperatures for some period of time in order to kill or destroy the sample.” Further, *Doung* allegedly teaches that heating may be done along with the addition of harsh reagents, such as strong acids or strong bases. (*Doung* paragraph [0326]; cited by Examiner, *Office Action*, page 3). Applicants submit that, because waste remaining after being treated with extreme heat and harsh reagents as allegedly taught by *Doung* in order to “kill or destroy the sample” does not need classification, *Doung* fails to teach or suggest “a waste classification of the analysis chip” as recited in claim 6.

Further, the Examiner alleges that *Doung* teaches that “reaction products are optically detected in order to classify the contents of the reaction solution.” (*Office Action*, page 3). Applicants emphasize that the alleged product classification cannot anticipate “a waste classification of the analysis chip” as recited in claim 6.

Therefore, Applicants respectfully request withdrawal of the rejection of claim 6 and of claim 7, at least by its dependency upon claim 6. Additionally, Applicants request the withdrawal of the rejection of claim 16 for reasons similar to those discussed with respect to claim 6, and from claim 17, at least by virtue of its dependency upon claim 16.

**Rejections Under 35 U.S.C. § 103 – *Patno* in view of *Kureshy* and/or *Kluttz***

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0224505 ("*Patno*") in view of U.S. Patent No. 6,410,275 ("*Kureshy*") and/or *Kluttz*. This rejection is respectfully traversed.

The Examiner alleges *Patno* teaches an analytical instrument with an analysis chip including a carrier and a biosensor, and further alleges that the plurality of openings found on the cover 86 could be used as inlets and outlets. Additionally, pipettes are said to be used to deliver buffers, probe solutions, and sample solutions to the analysis chip using manual or automated pipettes. However, as the Examiner correctly points out, *Patno* fails to indicate that the pipetting system is used to deliver a disinfection fluid to the analytical chip. (*Patno*, FIGS. 7(a) & 7(b); *Office Action*, page 5).

To cure this deficiency, the Examiner cites the automated pipette system shown in FIG. 2 of *Kureshy* and alleges that bleach may be employed as a reagent to disinfect a biochip prior to disposal. (*Kureshy* paragraph [0027]; *Office Action*, page 5). The Examiner additionally cites *Kluttz* and alleges FIG. 1 teaches wells 13 that are used as disinfection devices. (*Kluttz*, col. 6, line 61 – col. 7, line 10; *Office Action*, page 5).

Applicants submit that nothing in the combination of *Panto* and *Kureshy* and/or *Kluttz* cures the deficiencies discussed with respect to *Kluttz* regarding "a waste classification of the analysis chip" as recited in claim 1. *Kureshy* allegedly teaches that "bleach may be employed as a reagent to disinfect a biochip prior to disposal." (*Kureshy*, paragraph [0027]) but does not teach or suggest in any manner that "a waste classification of the analysis chip" as recited in claim 1 should be conducted after having used the bleach. Rather, Applicants submit that, for reasons similar to those discussed above with respect to *Doung*, it is not necessary to perform "a waste classification of the analysis chip" as recited in claim 1 after using bleach. Additionally, *Kluttz* fails

to teach or suggest "a waste classification of the analysis chip" as recited in claim 1, for reasons stated above.

Therefore, Applicants respectfully request that this rejection of independent claim 1 be withdrawn, as well as the rejections of dependent claims 2-10. Additionally, since independent claims 6, 11, 16, 18, and 20 recite language similar to claim 1, Applicants request the rejections be withdrawn from these independent claims and their dependent claims for reasons similar to those presented above with respect to claim 1.

### **New Claims**

New claims 21-26 are added by the present Amendment. These new claims are allowable for reasons previously set forth in their corresponding independent claims, and based upon the limitations set forth therein.

### **CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

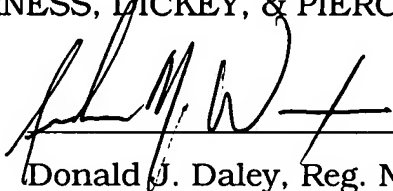

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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